

ORDINANCE NO. 3-27-97

**AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION TO SURVEY AND INVENTORY COMMUNITY HISTORIC RESOURCES, TO REVIEW PROPOSED NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES, TO PROVIDE ADVICE AND INFORMATION TO CITY OFFICIALS AND OTHER GOVERNMENTAL OFFICIALS AND TO SUPPORT ENFORCEMENT OF STATE HISTORIC PRESERVATION LAWS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF WILLARD, BOX ELDER COUNTY, STATE OF UTAH, AS FOLLOWS:**

**SECTION 1:** (Authority: Utah Code Annotated 17A-3-13)

**Purpose.** The City of Willard recognizes that the historical heritage of the Willard community is among its most valued and important assets. It is therefore the intent of Willard City to identify, preserve, protect and enhance historic areas and sites lying within the city limits of the City of Willard.

**SECTION 2: Historic Preservation Commission.** A Historic Preservation Commission is hereby established by the City of Willard with the following provisions:

- A. The Commission shall consist of a minimum of five members with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the City Council for terms of not less than two years.
- B. To the extent available in the community, two Commission members shall be professionals, as defined by National park Service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history.
- C. The Commission shall meet at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time and agenda items.
- D. Written minutes of each Commission meeting shall be prepared and made available for public inspection.

**SECTION 3: Commission Duties.** The Historic Preservation Commission shall have the following duties:

- A. Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years.
- B. Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Registry nominations for properties within the boundaries of Willard City. When the Historic Preservation Commission considers a

National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall see expertise in that area before rendering its decision.

C. Provide advice and information.

1. The Historic Preservation Commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.
2. The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and community history.

D. Enforcement of State Historic Preservation Laws. The Commission shall support the enforcement of all state laws relating to historic preservation. These include but are not limited to: U.C.A. 17A-3-1301 through 1306, "The Historic District Act;" U.C.A. 9-8-305, 307, and 308 regarding the protection of Utah antiquities; and U.C.A. 9-8-404 regarding notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building or object owned by the State of Utah and included on or eligible for the State or National Registers.

E. Educate the community of their unique history through lectures, reports and related community activities.

**SECTION 4: Severability.** The provisions of this ordinance are severable.

**SECTION 5: Repealer.** The provisions of this ordinance are severable.

**SECTION 6: Effective Date:** This Ordinance shall take effect THIRTY (30) days after its passage or TWENTY (20) days after its publication, whichever is sooner.

**SECTION 7: Willard City Historic Sites List.** The Historic Preservation Commission may designate historic properties to the Historic Sites List as a means of providing recognition to and encouraging the preservation of historic properties in the community.

A. Criteria for Designating Properties to the Willard City Historic Sites List. Any district, building, structure, object or site may be designated to the Historic Sites List if it meets all the criteria outlined below:

1. It is located within the official boundaries of the city.
2. It is at least 50 years old.
- 3.a. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principle facades, addition of upper stores or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.

b. If the property does not meet the integrity requirements outlined in 3.a., it may still qualify for designation if it meets one of the following requirements for exceptional significance:

- (1) It is directly associated with events of historic significance in the community.
- (2) It is closely associated with the lives of persons who were of historic importance to the community.
- (3) Exhibits significant methods of construction or materials that were used within the historic period.
- (4) It has been documented according to the Utah State Historic Preservation Office standards for intensive levels survey (October 1991 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.

B. Designation Procedures. Any person, group, or government agency may nominate a property for listing in the Willard City Historic Sites List. The nomination and listing procedures are as follows:

1. Completed Intensive Level Survey documentation for each nominated property must be submitted in duplicate to the Historic Preservation Commission.
2. The commission will review and consider properly submitted nominations at its next scheduled meeting. The commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agency posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last-minute" submittals, though no nomination will be reviewed if it is submitted to the commission less than 48 hours prior to the meeting.
3. The Historic Preservation Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the Willard City Historic Sites List" and will make its decision accordingly.

C. Results of Designation to the Historic Sites List.

1. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the Historic Preservation Commission chairperson.
2. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
  - a. The City will delay issuing a demolition permit for a maximum of one week and will notify a member of the Historic Preservation Commission, who will take responsibility for the documentation.

- b. Documentation will include, at minimum, exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide the accurate floor-plan drawing of the building.
- c. The demolition permit will be issued after one week of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the one-week deadline.
- D. Removal of Properties from the Historic Sites List. Properties which, in the opinion of the Historic preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the committee.

**SECTION 8: Willard City Historic Landmark Register.** Significant historic properties may be designated to the Historic Landmark Register for the purpose of recognizing their significance and providing incentives and guidelines for their preservation.

A. Criteria for Designating Properties to the Willard City Historic Landmark Register. Any district, building, structure, object or site may be designated to the Historic Landmark Register if it meets all the criteria outlined below:

- 1. It is located within the official boundaries of the city.
- 2. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:
  - a. associated with events that have made a significant contribution to the broad patterns of our history; or
  - b. associated with the lives of persons significant in our past; or
  - c. embody the distinctive characteristics of a type, period, or method of construction or that present the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - d. have yielded, or may be likely to yield, information important in prehistory or history (archeological sites, for example).
- 3. The owner of the property approves of the action to designate his/her property to the History Landmark Register and has submitted to the Commission a written statement to that effect.

B. Designation Procedures.

- 1. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the Commission chairperson. The letter

must identify the property by its address and historic name, give the date the property was listed in the National Register or officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by Commission members, private citizens, local officials, or others regarding designation of the property.

2. Upon receipt of the written request for designation, the Commission chairperson shall arrange for the nomination to be considered at the next Commission meeting, which shall be held at a time not to exceed 30 days from the date the request was received.
3. The decision by the Commission shall be based on the eligibility of the property in terms of meeting the "Criteria for Designating Properties to the Willard City Historic landmark Register." The Commission shall forward its recommendation in writing to the City Council within fourteen (14) days.
4. The City Council may, by approval and passage of an appropriate resolution, designate properties to the Historic Landmark Register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance.

C. Notification and Recording of Designation.

When historic properties have been officially designated to the Willard City Historic Landmark Register by the City Council, the Commission shall promptly notify the owners of those properties. The Commission shall record the Historic Landmark Register status designation with the County Recorder's Office.

D. Results of Designation to the Historic Landmark Register.

1. Properties designated to the Historic Landmark Register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.
2. In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with Section 104(f) of the Uniform Building Code (1988 Edition), which deals with historic buildings, or the Uniform Code for Building Conservation, a special code for existing buildings.
3. Owners of Historic Landmarks may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating their properties.
4. Proposed repairs, alterations or additions to Historic Landmarks are subject to the review of the Historic Preservation Commission and the subsequent review and approval of the City Council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.
  - a. Applications for permits pertaining to Historic Landmark properties shall be forwarded by the Building Inspector to the Historic Preservation Commission prior to their issuance.

- b. At its next scheduled meeting, the Commission shall review the applications and proposed work for compliance with the Secretary of the Interior's "Standards for Rehabilitation," hereafter referred to as the "Standards" (see Section 9).
  - c. The Commission's recommendation shall be forwarded within three (3) days to the City Council for its consideration. The recommendation must indicate which of the "Standards" the Commission's decision was based on and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the Building Inspector and the property owner at the same time.
  - d. The City Council shall schedule the matter for its next City Council Meeting and, upon review of the Historic Preservation Commission's recommendation and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a "Certificate of Historic Appropriateness" which authorizes the building permit to be issued.
- E. Removal of Properties from the Historic Landmark Register. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic Landmark Register after advised by mail of the Historic Preservation Commission meeting during which the removal will be considered. The owner will be notified of the decision of the Commission and will have thirty (30) days to appeal the decision of the Commission to the City Council. However, nothing in this ordinance shall be construed to prevent an owner from removing his property from the Historic Landmark Register as the owner in his sole discretion shall deem appropriate. Further, the City shall not accept any liability whatsoever for an owner's decision to remove property from the Historic Register.

**SECTION 9: Standards for Rehabilitation.** The following "Standards for Rehabilitation" shall be used by the Historic Preservation Commission and City Council when determining the historic appropriateness of any application pertaining to Historic Landmark properties:

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic and its environment would be unimpaired.

**PASSED AND ADOPTED** by the City Council of Willard, Utah, this \_\_\_\_ day of \_\_\_\_\_, 1997.

COUNCILMAN DOUG YOUNGER

VOTING \_\_\_\_\_

COUNCILMAN DUANE BRAEGGER

VOTING \_\_\_\_\_

COUNCILMAN MEL JUDSON

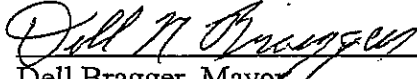
VOTING \_\_\_\_\_

COUNCILMAN FRANK IPSEN

VOTING \_\_\_\_\_

COUNCILMAN LYNN BAIRD

VOTING \_\_\_\_\_

  
Dell Bragger, Mayor

ATTEST:

\_\_\_\_\_  
LeAnne Hunsaker  
City Recorder

## CERTIFICATION AGREEMENT

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As a Certified Local Government under the National Historic Preservation Program, Willard City hereby agrees to carry out the following responsibilities:

1. Enforce appropriate state and local legislation for for the designation and protection of historic properties.
2. Have adopted a historic preservation ordinance which establishes an adequate and qualified historic preservation commission.
3. Maintain a system for the survey and inventory of historic properties.
4. Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register of Historic Places.

Dell M. Bragg  
Mayor or County Commission Chair

3/27/97  
Date

Max J. Evans  
Max J. Evans  
State Historic Preservation Officer

5-7-97  
Date